

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-37859 of 2015(O&M)
Date of decision : 15.12.2015

Sunil Kumar @ Bunty

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kuljit Singh, Advocate
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Joginder Singh.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.148 dated 10.09.2013, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, (for short, 'the NDPS') at Police Station Bhogpur, District Jalandhar City.

The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The petitioner is neither the license holder nor owner/proprietor of the alleged medical hall i.e. M/s Sukhija Medical Hall. He submits that the petitioner is not arrested from the spot and is in custody since 07.05.2014. Lastly, he submits that petitioner is not involved in any other case under NDPS

Act, which fact is not disputed by the learned State counsel.

On the other hand, the learned State counsel oppose the bail and states that out of 12 witnesses, 10 witnesses have been examined so far.

I have heard the learned counsel for the parties and perused the record.

In view of the fact that the petitioner is not arrested from the spot; not involved in any other case under NDPS Act and is in custody since 07.05.2014, no purpose would be served in keeping the petitioner behind the bars, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

15.12.2015

ashok

**(JITENDRA CHAUHAN)
JUDGE**